

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHARON BERRITELLA DEAN,

Plaintiff,

DECISION AND ORDER

03-CV-6450L(P)

v.

JOHN E. POTTER, as Postmaster General,


Defendant.

Plaintiff commenced this action in September 2003 for harassment and hostile work environment during her employment with the United States Postal Service. On June 29, 2005, plaintiff's counsel moved to withdraw from the case pursuant to Rule 83(b), Local Rules of the Western District of New York.. The Court scheduled a hearing and issued an Order to Show Cause to plaintiff as to why the Court should not grant her lawyer's relief. The hearing was scheduled for July 27, 2005. On that date, plaintiff's counsel filed another affirmation (Dkt. #21) enclosing an email that he had received from his client indicating that she would not be attending the court appearance on July 27, and she authorized counsel to withdraw the complaint.

The basis for counsel's motion to withdraw from the case was his belief that, after completing discovery, plaintiff did not have a viable cause of action. After reviewing all of the papers, I grant plaintiff's counsel's motion to withdraw as counsel, and I also grant leave to dismiss

the complaint, pursuant to FED. R. CIV. P. 41(a)(2). The complaint is hereby dismissed with prejudice.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 29, 2005.